

UNPUBLISHED

UNITED STATES COURT OF APPEALS
FOR THE FOURTH CIRCUIT

No. 03-1998

YERVAND HARUTYUNYAN,

Petitioner,

versus

JOHN ASHCROFT, Attorney General,

Respondent.

On Petition for Review of an Order of the Board of Immigration Appeals. (A75-981-305)

Submitted: April 23, 2004

Decided: May 25, 2004

Before NIEMEYER, LUTTIG, and MOTZ, Circuit Judges.

Petition denied by unpublished per curiam opinion.

Robert L. Oswald, NOTO & OSWALD, P.C., Washington, D.C., for Petitioner. Peter D. Keisler, Assistant Attorney General, Norah Ascoli Schwarz, Senior Litigation Counsel, Frances M. McLaughlin, Office of Immigration Litigation, UNITED STATES DEPARTMENT OF JUSTICE, Washington, D.C., for Respondent.

Unpublished opinions are not binding precedent in this circuit. See Local Rule 36(c).

PER CURIAM:

Yervand Harutyunyan, a native and citizen of Armenia, petitions for review from an order of the Board of Immigration Appeals ("Board") affirming, without opinion, the Immigration Judge's denial of his applications for asylum, withholding of removal, and protection under the Convention Against Torture.

On appeal, Harutyunyan raises challenges to the immigration judge's determination that he failed to establish his eligibility for asylum. To obtain reversal of a determination denying eligibility for relief, an alien "must show that the evidence he presented was so compelling that no reasonable factfinder could fail to find the requisite fear of persecution." INS v. Elias-Zacarias, 502 U.S. 478, 483-84 (1992). We have reviewed the evidence of record and conclude that Harutyunyan fails to show that the evidence compels a contrary result. Accordingly, we cannot grant the relief Harutyunyan seeks.

Additionally, we uphold the immigration judge's denial of Harutyunyan's applications for withholding of removal and protection under the Convention Against Torture. To qualify for withholding of removal, an applicant must demonstrate "a clear probability of persecution." INS v. Cardoza-Fonseca, 480 U.S. 421, 430-31 (1987). To obtain relief under the Convention Against Torture, an applicant must establish that "it is more likely than not that he or she would be tortured if removed to the proposed

country of removal." 8 C.F.R. § 1208.16(c)(2) (2003). Based on our review of the record, we find that Harutyunyan has failed to meet either one of these standards.

Accordingly, we deny the petition for review. We dispense with oral argument because the facts and legal contentions are adequately presented in the materials before the court and argument would not aid the decisional process.

PETITION DENIED